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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

GREAT NORTHERN PAPER, INC.)	SOLID WASTE ORDER
EAST MILLINOCKET,)	
PENOBSCOT COUNTY, MAINE)	
WOODASH UTILIZATION PROGRAM)	LICENSE
#S-21092-SE-C-A (APPROVAL WITH CONDITIONS))	AMENDMENT

Pursuant to the provisions of 38 M.R.S.A. section 1301 et seq. and 06-096 CMR Chapter 419, Rules for Agronomic Utilization of Residuals (effective July 19, 1999, revised December 19, 1999), and the Department's other Solid Waste Management Regulations (effective November 2, 1998, revised September 6, 1999), the Department of Environmental Protection (the Department) has considered the application of the GREAT NORTHERN PAPER, INC. (the applicant) with its supportive data, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

- A. Application: Great Northern Paper, Inc. (GNP) has applied for a minor revision to Department License #S-21092-SE-B-R, dated January 22, 1999, which renewed the applicant's license for its woodash utilization program. The applicant's Program Approval for woodash utilization was originally issued by the Department on March 27, 1985.
- B. History: The applicant received Program Approval #W006373-56-A-N to landspread woodash on approved sites in Penobscot and Aroostook counties on March 27, 1985. The Program Approval license expired on March 27, 1992. On June 16, 1993, the Department issued Order #S-21092-SE-A-N, which relicensed GNP's woodash utilization program. On January 22, 1999, the Department issued Order #S-21092-SE-B-R, which renewed the applicant's license for its woodash utilization program.

Department records indicate that GNP has not distributed woodash for agricultural utilization or composting since 1993. All GNP woodash generated since 1994 has been disposed of at the applicant's licensed Dolby Landfill located in East Millinocket.

- C. Summary of Proposal: The applicant proposes to resume distributing woodash for land application, and for use as a compost additive. For periods when all GNP woodash generated in a calendar year is landfilled, the applicant proposes to reduce analytical requirements for its woodash to once annually. The applicant

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also proposes to include program revisions to reflect new requirements and standards contained in Chapter 419, *Agronomic Utilization of Residuals*, as opposed to the former applicable regulations Chapter 567, *Rules for Land Application of Sludge and Residuals*. Primarily, the minor revisions include the submittal of a Sampling and Analytical Work Plan, which addresses the procedures for monitoring ash quality, and a request to allow utilization of ash without Department-issued site-specific licenses.

2. FACILITY DESCRIPTION

Great Northern Paper, Inc. (GNP) owns paper mills located in Millinocket and East Millinocket, Maine, a Recycle Fiber Plant located adjacent to the East Millinocket mill, a lumber sawmill in Nashville Plantation, Maine, and 2 million acres of woodlands.

GNP's Millinocket papermill utilizes both mechanical and chemical processes to produce wood pulp. Mechanical pulp is also produced from the stone groundwood method at the East Millinocket mill and shipped by rail to the Millinocket mill, along with recycled pulp produced from the East Millinocket Recycle Fiber Plant.

The woodash proposed for utilization is generated by the bark and wood-fueled biomass boiler at the East Millinocket mill. The bark fuel comprises approximately 90% of the total fuel mix, and whole tree chips supply the remaining 10%. The bark/wood fuel is generated at GNP's mills in Millinocket and East Millinocket, and at Pinkham Lumber Company in Nashville Plantation. Wood fuel is also purchased from other area mills as needed. There are no chemicals added to the process. The wood fuel contains no human pathogens, and the resulting woodash generates no strong odors. Approximately 40,000 to 45,000 cubic yards of woodash is generated per year from the biomass boiler.

3. AGRONOMIC BENEFIT

- A. Land Application: For direct land application, the applicant proposes to distribute wood ash as a lime substitute. Additionally, woodash is a significant source of phosphorus, potassium and magnesium. The applicant has performed analysis of its woodash for baseline nutrients and Calcium Carbonate Equivalents (CCE), in accordance with Chapter 405, sections 6.D (2)(a) and (c). Results of historic analyses of the applicant's woodash indicate that between 1993 and 1996, the ash contained an average of 52% CCE, 4.44% potassium, 0.633% phosphorus, and 1.11% magnesium.

The applicant proposes to apply ash at a rate based on the liming requirements of the soil. Applications of woodash will be limited to two tons of lime equivalents (CCE) per acre if topdressed, and three tons of CCE per acre if incorporated. Because GNP has not submitted analysis results for its woodash since 1996, the

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Department finds that the applicant should submit the results of a complete analysis of one composite sample of its woodash, for baseline nutrients and CCE in accordance with Chapter 405, sections 6.D (2)(a) and (c), for review by Department staff, prior to resuming distribution of its woodash for utilization or composting.

The applicant proposes that no site-specific licenses be required for land application of woodash for agronomic purposes. Each woodash recipient will be provided with a "Best Management Practices" (BMP) guideline sheet. The BMP sheet will provide a list of setbacks to be observed when spreading and storing woodash, and details regarding storage and loading rate limitations.

The applicant will maintain records for all loads of woodash delivered to agricultural utilization sites.

- B. Compost Blending: The applicant also proposes to distribute wood ash for compost blending. Woodash will provide micronutrients to the compost, increase the compost pH, and assist in creating a darker compost product. Additionally, woodash will be used to insulate compost piles to maintain pile temperatures and to control odors. Woodash will be distributed to compost facilities based on the requirements of the individual compost facility, and any conditions of the compost facility license. The applicant requests that GNP be permitted to deliver woodash to any licensed compost facility, without the compost facility obtaining a specific approval for receipt of GNP woodash. The Department finds that this is acceptable, for any woodash which meets the parameters contained in Chapter 419, Table 419.5, provided the applicant notifies the Department a minimum of 24 hours prior to delivery of its ash to new compost sites. The Department also finds that this is acceptable for compost facilities that have received approval to accept woodash from woodash generators that have program approval, for any woodash which meets the parameters contained in Chapter 419, Table 419.4.

The applicant will provide records of the total amount of woodash distributed to compost facilities.

- C. Loading Rates. The applicant has proposed to utilize woodash at the recommended liming rate not to exceed 2 dry tons Calcium Carbonate Equivalents (CCE) per acre per year if topdressed, or 3 dry tons CCE per acre per year if incorporated. The Department finds that, if current woodash analysis results indicate that applying woodash at the recommended liming rates would exceed the amount of phosphorus that the proposed crops could take up during the growing season, the applicant should limit annual woodash applications to not exceed the crop uptake rates for phosphorus.

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4. RESIDUAL SUITABILITY

- A. Metals: The applicant has performed analyses of its woodash for certain inorganic compounds; however, the applicant has not submitted analysis of its ash for all required inorganic compounds consistent with the waste characterization required by Chapter 405, section 6.D(2)(d). Specifically, GNP has not submitted analysis results of its woodash for Beryllium, Cobalt, Manganese, Silver, Thallium or Cyanide. Due to incomplete inorganic compounds analyses submitted to date, and because GNP has not submitted analysis results for its woodash since 1996, the Department finds that the applicant should submit the results of a complete analysis of one composite sample of its woodash, for total inorganic compounds in accordance with Chapter 405, section 6.D(2)(d), for review by Department staff, prior to resuming distribution of its woodash for utilization or composting.

Results of chemical analyses indicate that all other tested inorganic compounds in GNP woodash were within the applicable screening limits in Chapter 419, Table 419.4 Columns A through C.

- B. Semi-Volatile Target Compounds: The applicant has not performed analyses of its woodash for semi-volatile organic compounds, in accordance with Chapter 405, sections 6.D(2)(j). The Department finds that the applicant should submit the results of analysis of one composite sample of its woodash, for semi-volatile organic compounds in accordance with Chapter 405, sections 6.D(2)(j), and for review by Department staff, prior to resuming distribution of its woodash for utilization or composting.
- C. Dioxin: Analysis of GNP woodash for polychlorinated dibenzo-p-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) indicate that the total toxicity equivalents of these compounds are below 27 parts per trillion (ppt). Therefore the applicant is not subject to the additional standards in Chapter 419, section 4.K.
- D. Additional Characteristics: The ash will not contain volatile organic compounds due to the combustion process that forms ash. The ash contains no human pathogens and generates no odors. The ash contains no nitrogen and will not be applied above the agronomic rate for phosphorus or potassium. The residual does not meet the definition of sludge.

5. SAMPLING AND ANALYTICAL WORK PLAN

Between 1993 and 1995, the applicant provided the results of quarterly analyses of its ash for nutrients, regulated heavy metals, and CCE, in accordance with Chapter 567,

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sections B-1.a and E-3.1. The applicant has submitted a Sampling and Analytical Workplan that substantially satisfies the requirements for waste characterization in Chapter 405, section 6.B.2. The applicant proposes to obtain 14 representative samples of its woodash from the ash storage tank at the East Millinocket mill, consisting of one grab sample per day for 14 consecutive days. The applicant proposes to collect these composite samples on a quarterly basis if ash is being utilized or composted, or once annually if ash is being landfilled, and to analyze the composite samples ash for nutrients, regulated heavy metals, and CCE, in accordance with Chapter 567, sections B-1.a and E-3.1. The Department finds that, instead, the applicant should analyze the composite samples for baseline nutrients, CCE, and total inorganic compounds, as specified in Chapter 405, sections 6.D(2)(a), (c), and (d). The Department further finds that the applicant should submit analytical results to the Department within 30 days of receipt.

6. RISK MANAGEMENT

- A. Phosphorus: Nutrient calculations performed by the Department indicate that GNP ash applied at the maximum allowable rate of 3 tons of CCE/acre/year may result in phosphorus being applied in excess of the uptake rates for the crops proposed to be grown. To avoid the over application of phosphorus, the Department finds that the applicant should calculate a revised woodash application rate, utilizing current analytical data, which would supply no more phosphorus than proposed crops could take up during the growing season.

The applicant is not subject to the siting standards in section 3 or any of the additional operational standards of Chapter 419, sections 4.F through N, provided the ash application is limited to the liming requirements of the crop, and, in combination with other nutrient sources used on the fields, does not exceed the crop uptake rates of phosphorus.

- B. Fitting Harmoniously into the Natural Environment: The Department finds that limiting ash spreading to established agricultural sites will meet the intent of the setbacks required under Chapter 419, section 4.G and Chapter 400, sections 4.E. (1)(b). However, the applicant has not submitted a copy of Best Management Practices (BMPs) which would be provided to individuals receiving woodash. The Department finds that the applicant should submit a draft BMP notice to be provided to owners and/or operators of utilization sites, for review and approval by Department staff, prior to resuming distribution of GNP ash for utilization without site-specific permitting. In addition to outlining the Best Management Practices to be followed by site operators when utilizing ash, the BMP notice must describe the setbacks to be observed when spreading and storing ash, and the loading rates to be observed when utilizing woodash.

- C. Compost: GNP will assure, by chemical analyses, the quality of any ash delivered to compost facilities. GNP ash received at compost facilities will be handled in accordance with the compost facility license.

7. SITE LICENSING PROCESS

- A. Applicant's Proposal: The applicant proposes that licenses not be required for woodash utilization sites and/or field stockpile sites. Additionally, for distributing woodash to compost facilities, the applicant proposes that GNP will deliver woodash as necessary to meet the needs of the facility. The Department finds that this proposal is appropriate, provided GNP does not distribute more ash to a site in a given year than can be utilized at that site.

- B. Applicable Utilization Siting Standards: Based on the characteristics of the residual, the applicant is not subject to the siting standards in Chapter 419, section 3. However, the applicant has not provided the information that will be provided to end users of the woodash. Provided the applicant submits, for Department review and approval, a draft BMP notice that contains the information described in #6B above, this information will be adequate to ensure that the operating standards in Chapter 419, section 4.E will be met at utilization sites. The Department finds that not licensing individual utilization sites or field stockpile sites is appropriate, provided the applicant does not distribute more woodash to end users in a given year than can be utilized at their site.

However, the Department finds that the applicant should follow the additional siting standards in Chapter 419, section 3.B(2), and the additional operating standards in Chapter 419, section 4.J, and receive site specific approval from the Department before delivering ash to individual sites, if the applicant's ash exceeds applicable screening standards in Chapter 419, Table 419.4 Columns A through C for heavy metals.

- C. Storage: Provided the applicant provides the information in #6B above, for review and approval by the Department, this information will also be adequate to ensure that storage sites will meet the general siting and design standards in Chapter 419, section 10.A and B, and the operational standards in Chapter 419, section 12.A and B for storage. Stacking sites will typically be on topographically elevated areas, and will be selected to minimize the risk of run-on to the stockpile.
- D. Compost Site Permitting Requirements: The Department finds that it is appropriate not to require site specific permits from the Department when ash is distributed to compost facilities that have specific Department approval to accept woodash, provided the applicant does not distribute more ash to end users in a

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given year than can be utilized at their site, and provided the applicant does not exceed applicable screening standards in Chapter 419, Table 419.4 for heavy metals.

The Department finds that bulk distribution to compost facilities that have not received Department approval to accept woodash is appropriate, provided the ash does not exceed applicable screening standards in Chapter 419, Table 419.5 for heavy metals.

8. FINANCIAL AND TECHNICAL ABILITY

Under Department Order #S-021545-SB-A-N, the applicant submitted evidence that GNP had assets available to operate the program in a manner consistent with the applicable requirements. In August, 1999, GNP's East Millinocket, Recycled Fiber Plant (RFP), and Millinocket mills, were purchased by Inexcon company of Canada. GNP is currently disposing of all of its woodash at its licensed Dolby Landfill.

The woodash utilization program will be managed by GNP. Between 1993 and 1996, the applicant managed an efficient utilization program for its ash. The applicant has also received Department approval for agricultural utilization of the paperfiber sludge generated at GNP's Millinocket mill and the East Millinocket RFP (Dept. Order #S-021545-SB-A-N, as amended). In developing its utilization programs, the applicant has utilized the technical expertise of the University of Maine Cooperative Extension, located in Orono, Maine, and Woods End Research Labs, a composting consultant located in Mt. Vernon, Maine.

9. PROTECTION OF THE WATERS OF THE STATE

- A. Utilization Sites: The Department finds that limiting ash spreading to established agricultural sites will meet the intent of the setbacks required under Chapter 419, section 4.G and Chapter 400, sections 4.E. (1)(b). However, the applicant has not submitted a copy of the information sheet which would specify the Best Management Practices (BMP) to be followed by the site operator. Therefore, the Department finds that the applicant should submit, for Department review and approval, a draft BMP notice that provides a list of setbacks to be observed when spreading and storing woodash, to ensure that these standards, and the standards in Chapter 419, section 4.E, will be met. The BMPs must require that ash be applied as a liming agent at loading rates not to exceed a maximum rate of 3 tons of CCE per acre, or at agronomic rates which will provide no more phosphorus than the crop can take up during the growing season, whichever rate is most limiting.

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B. Storage Sites: The Department finds that the BMP information required to be provided by the applicant should be adequate to ensure that storage sites will meet the general siting and design standards in Chapter 419, section 10.A and B, and the operational standards in Chapter 419, section 12.A and B for storage. Stacking sites will typically be on topographically elevated areas, and will be selected to minimize the risk of run-on to the stockpile.

10. TRAFFIC

The applicant will provide contract trucking to transport the woodash from their facility to approved utilization sites. Based on GNP's records of previous ash deliveries, and based on the projected amount of ash generated, staff estimates that 10 or fewer vehicle trips will be made per month to deliver woodash to any utilization site. The applicant therefore meets the alternative traffic standard in Chapter 419, section 4.F, and section 10.B (8). No new roads are required to be constructed for the proposed activity. Existing State and Local laws regulate vehicle weight limits and speed limits on roads used to transport materials to utilization sites. The proposed activities are similar in nature to the agricultural activities ongoing at utilization sites.

11. NUISANCES AND AIR QUALITY

Woodash does not produce objectionable odors during handling and is unlikely to cause odor nuisances at the site where it is handled. The ash will be quenched with water to prevent fires and to assure that no dust nuisances are created.

Woodash utilization and distribution will not generate noise in excess of that generated during normal operations at any site proposed or currently used for ash utilization.

12. EROSION

Woodash utilization decreases the erosion potential at utilization sites by supporting better plant growth. The applicant is subject to the erosion control standards in section 12.A(8) at any storage sites where soils will be disturbed.

13. UTILITIES

No new utilities are required for any of the activities proposed by the applicant.

14. FLOODING

Woodash utilization does not affect the flooding potential of any area.

15. REPORTING

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The applicant should report analytical results of woodash to the Department within 30 days of receipt. Further, the applicant should submit an annual report of utilization activities that meets the standards in Chapter 419, section 6C to the Department by February 28th of each following year.

16. ALL OTHER

All other Findings of Fact remain as approved in Department licenses #S-21092-SE-A-N and #S-21092-SE-B-R, as amended.

BASED on the above Findings of Fact, and subject to the Conditions listed below, the Department CONCLUDES the proposed project:

1. Will not pollute any water of the state, contaminate the ambient air, constitute a hazard to health or welfare, or create a nuisance, provided:
 - A. The applicant submits the results of analysis of one composite sample of its woodash, for baseline nutrients, CCE and total inorganic compounds, in accordance with Chapter 405, sections 6.D (2)(a), (c) and (d), for review by Department staff, prior to resuming distribution of its woodash for utilization or composting;
 - B. The applicant submits the results of analysis of one composite sample of its woodash, for semi-volatile organic compounds, in accordance with Chapter 405, sections 6.D(2)(j), and for review by Department staff, prior to resuming distribution of its woodash for utilization or composting;
 - C. The applicant submits a draft BMP notice to be provided to owners and/or operators of utilization sites, for review and approval by Department staff, prior to resuming distribution of GNP ash for utilization without site-specific permitting. The notice will describe the Best Management Practices to be followed by site operators when utilizing ash, the setbacks to be observed when spreading and storing ash, and a woodash loading rate based on crop uptake rates of phosphorus;
 - D. The applicant calculates a woodash application rate, based on current woodash analysis, which does not exceed the crop uptake rates for phosphorus, and references this restricted application rate in the revised BMP handout information provided to end users;
 - E. The applicant does not distribute more ash to a site in a given year than can be utilized at that site;

- F. The applicant notifies the Department a minimum of 24 hours prior to delivering GNP ash to compost sites that have not received prior Department approval to utilize ash;
 - G. The applicant ensures that GNP woodash meets the parameters contained in Chapter 419, Table 419.5, prior to delivering ash to any licensed compost facility which has not obtained specific approval for receipt of GNP woodash, and ensures that GNP woodash meets the parameters contained in Chapter 419, Table 419.4, prior to delivering ash to compost facilities that have received approval to accept ash from woodash generators that have program approval;
 - H. The applicant submits an annual report of utilization activities to the Department, by February 28th of each following year, which meets the standards in Chapter 419, section 6.C, and include woodash application rate calculations, and a summary of the storage information outlined in section 12.A(13);
 - I. The applicant follows the additional siting standards in Chapter 419, section 3.B(2), and the additional operating standards in Chapter 419, section 4.J, and receives site specific approval from the Department before delivering ash to individual sites, if the applicant's ash exceeds applicable screening standards in Chapter 419, Table 419.4 Columns A through C for heavy metals;
 - J. The applicant analyzes GNP woodash on a quarterly basis for baseline nutrients, CCE, and total inorganic compounds, as specified in Chapter 405, sections 6.D(2)(a), (c), and (d), if GNP distributes its woodash for utilization or composting during the calendar year. If all woodash generated during the calendar year is landfilled, the applicant will analyze its woodash once annually for these same parameters; and
 - K. The applicant submits analytical results to the Department within 30 days of receipt;
2. The applicant has the financial and technical ability to develop the project in a manner consistent with State environmental standards;
 3. The applicant has made adequate provisions for traffic movement of all types into, out of, and within utilization sites;
 4. The proposed project fits harmoniously into the existing natural environment and will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipalities or in neighboring municipalities;

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5. The proposed facilities will be on soils types suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sedimentation;
6. The proposed facilities will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur;
7. The applicant has made adequate provisions for utilities including water supplies, sewerage facilities, solid waste disposal and roadways required for the project, and the proposed facilities will not have an unreasonable adverse effect on the existing or proposed utilities and roadways in the municipalities or area served by those services;
8. The activity will not unreasonably cause or increase the flooding of the areas or adjacent properties nor create an unreasonable flood hazard to any structure; and
9. All other Conclusions remain as approved in Department licenses #S-21092-SE-A-N and #S-21092-SE-B-R, as amended.

THEREFORE, the Department APPROVES above noted application of GREAT NORTHERN PAPER, INC., SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached as Appendix A.
2. The applicant shall submit the results of analysis of one composite sample of its woodash, for baseline nutrients, CCE and total inorganic compounds, in accordance with Chapter 405, sections 6.D (2)(a), (c) and (d), for review by Department staff, prior to resuming distribution of its woodash for utilization or composting.
3. The applicant shall submit the results of analysis of one composite sample of its woodash, for semi-volatile organic compounds, in accordance with Chapter 405, sections 6.D(2)(j), and for review by Department staff, prior to resuming distribution of its woodash for utilization or composting.
4. The applicant shall submit written BMPs that will be provided to owners and/or operators of utilization sites, for review and approval by Department staff, prior to resuming distribution of GNP ash for utilization without site-specific permitting. The notice shall describe the Best Management Practices to be followed by site operators when utilizing ash, the setbacks to be observed when spreading and storing ash, and a woodash loading rate based on crop uptake rates of phosphorus.
5. The applicant shall calculate a woodash application rate, based on current woodash analysis, which does not exceed the crop uptake rates for phosphorus, and shall reference

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this restricted application rate in the revised BMP handout information provided to end users that receive ash.

6. The applicant shall not distribute more ash to a site in a given year than can be utilized at that site in that year.
7. The applicant shall notify the Department a minimum of 24 hours prior to delivering GNP ash to compost sites that have not received prior Department approval to utilize ash.
8. The applicant shall ensure that GNP woodash meets the parameters contained in Chapter 419, Table 419.5, prior to delivering ash to any licensed compost facility that has not obtained specific approval for receipt of GNP woodash. In addition, the applicant shall ensure that GNP woodash meets the parameters contained in Chapter 419, Table 419.4, prior to delivering ash to compost facilities that have received approval to accept ash from woodash generators that have program approval.
9. The applicant shall follow the additional siting standards in Chapter 419, section 3.B(2), and the additional operating standards in Chapter 419, section 4.J, and shall receive site specific approval from the Department before delivering ash to individual sites, if the applicant's ash exceeds applicable screening standards in Chapter 419, Table 419.4 Columns A through C for heavy metals.
10. The applicant shall analyze GNP woodash on a quarterly basis for baseline nutrients, CCE, and total inorganic compounds, as specified in Chapter 405, sections 6.D(2)(a), (c), and (d), for periods when GNP distributes its woodash for utilization or composting during the calendar year. If all woodash generated during the calendar year is landfilled, the applicant shall analyze its woodash once annually for these same parameters.
11. The applicant shall report analytical results to the Bureau of Remediation and Waste Management within 30 days of receipt.
12. The applicant shall submit an annual report of utilization activities to the Department by February 28th of each following year. The annual report must meet the standards in Chapter 419, section 6.C, and must include woodash application rate calculations and a summary of the storage information outlined in section 12.A(13).

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13. All other Findings of Fact, Conclusions and Conditions remain as approved in Department licenses #S-21092-SE-A-N and #S-21092-SE-B-R, as amended.

DONE AND DATED AT AUGUSTA, MAINE THIS 30th DAY
OF May, 2001.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

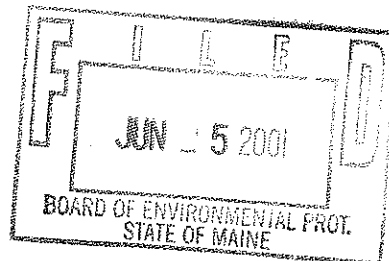
BY: David Lennett
Martha G. Kirkpatrick, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE APPEAL PROCEDURES.

Date of initial receipt of application: July 13, 2000

Date of application acceptance: August 3, 2000

Date filed with Board of Environmental Protection:



This Order prepared by Rick Haffner, Bureau of Remediation and Waste Management.

XRH34560/rh/smi

Appendix A

STANDARD CONDITIONS TO ALL SOLID WASTE FACILITY LICENSES

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL. VIOLATIONS OF THE CONDITIONS UNDER WHICH A LICENSE IS ISSUED SHALL CONSTITUTE A VIOLATION OF THAT LICENSE, AGAINST WHICH ENFORCEMENT ACTION MAY BE TAKEN, INCLUDING REVOCATION.

1. **Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the licensee. Any consequential variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
2. **Compliance with All Applicable Laws.** The licensee shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
3. **Compliance with All Terms and Conditions of Approval.** The licensee shall submit all reports and information requested by the Department demonstrating that the licensee has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. **Transfer of License.** The licensee may not transfer the solid waste facility license or any portion thereof without approval of the Department.
5. **Initiation of Construction or Development Within Two Years.** If the construction or operation of the solid waste facility is not begun within two years of issuance or within 2 years after any administrative and judicial appeals have been resolved, the license lapses and the licensee must reapply to the Department for a new license unless otherwise approved by the Department.
6. **Approval Included in Contract Bids.** A copy of the approval must be included in or attached to all contract bid specifications for the solid waste facility.
7. **Approval Shown to Contractors.** Contractors must be shown the license by the licensee before commencing work on the solid waste facility.
8. **Background of key individuals.** A licensee may not knowingly hire as an officer, director or key solid waste facility employee, or knowingly acquire an equity interest or debt interest in, any person convicted of a felony or found to have violated a State or federal environmental law or rule without first obtaining the approval of the Department.
9. **Fees.** The licensee must comply with annual license and annual reporting fee requirements of the Department's rules.

ADDITIONAL STANDARD CONDITIONS FOR
SOLID WASTE DISPOSAL FACILITIES

10. **Recycling and Source Reduction Determination for Solid Waste Disposal Facilities.** This condition does not apply to the expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling.

The solid waste disposal facility shall only accept solid waste that is subject to recycling and source reduction programs, voluntary or otherwise, at least as effective as those imposed by 38 MRSA Chapter 13.

11. **Deed Requirements for Solid Waste Disposal Facilities.** Whenever any lot of land on which an active, inactive, or closed solid waste disposal facility is located is being transferred by deed, the following must be expressly stated in the deed:

- A. The type of facility located on the lot and the dates of its establishment and closure.
- B. A description of the location and the composition, extent, and depth of the waste deposited.
- C. The disposal location coordinates of asbestos wastes must be identified.